

From: [Guerry, William M.](#)
To: [HertzWu, Sara](#)
Cc: [Terriquez, Joe](#); [Hensley, Dave](#); [Bill Tyndall](#); [Mike Major](#); [Weekley, Erin](#); [Mills, Clarissa](#)
Subject: Re: Big Ox Information Request and NDEQ Settlement
Date: Thursday, August 02, 2018 10:42:40 AM

Sara.

You will receive BOE's Response via email in the next 10 minutes. Please let me know if it does not come through to you —because of the large size of the files. We may need to break it up into smaller separate files and resend it.

We look forward to our next call

Best, Bill

Sent from my iPhone

On Aug 2, 2018, at 7:55 AM, HertzWu, Sara <HertzWu.Sara@epa.gov> wrote:

Bill: I didn't see the final portion of the response come through yesterday. Was it sent by email or regular mail?

Regards,

Sara Hertz Wu
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-----Original Message-----

From: Guerry, William M. [<mailto:WGuerry@KelleyDrye.com>]
Sent: Tuesday, July 31, 2018 5:21 PM
To: HertzWu, Sara <HertzWu.Sara@epa.gov>; Terriquez, Joe <terriquez.joe@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>
Cc: Bill Tyndall <btyndall@netleasecapital.com>; Mike Major <mmajor@powerfulcompliance.com>
Subject: Big Ox Information Request and NDEQ Settlement

Sara, David and Joe

On behalf of BOE, thanks for our constructive call on July 23rd.

Per our discussion— enclosed is the final signed-settlement between NDEQ and BOE. This settlement ensures that BOE fully remediated the prior releases of its partially-processed waste waters —that occurred during the exceptional foaming-event in June.

The NDEQ settlement also ensures that BOE will conduct and submit a “root

cause” analysis to NDEQ by August 15th —and promptly adopt by the end of August— additional precautions and measure—that will mitigate and address the potential risks of any potential release from BOE’s operations.

Tomorrow, I will send you BOE’s additional responses to the EPA information Request —that follow up to BOE’s initial response from last week to EPA’s three priority questions.

BOE would like to set up another call with you and your team —once you have had a chance to review the attached settlement and BOE’s new response.

Best, Bill

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